



EPW

Practitioner's Docket No. 700938-52220-DIV

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Yoshiyuki Tatsumi, Mamoru Yokoo, Kosho Nakamura, and Tadashi Arika

Application No.: 10/685,266

Group No.: 1651

Filed: 10/14/2003

Examiner: To be assigned

For: METHOD FOR DETECTING PATHOGENIC MICROORGANISM AND  
ANTIMICROBIAL AGENT, METHOD FOR EVALUATING EFFECT OF  
ANTIMICROBIAL AGENT, AND ANTIMICROBIAL AGENT

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**Commissioner for Patents**

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**Alexandria, VA 22313-1450**

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4. Supplemental Information Disclosure Statement with PCT/SB/08a and b (4 pp);
5. COPY- References B1-B2 and C1-C2; and
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on November 17, 2004.

Linda M. Ginsberg

Signature of person mailing paper



PTO/SB/21 (09-04)  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/685,266

Filing Date October 14, 2003

First Named Inventor Yoshiyuki Tatsumi

Art Unit 1651

Examiner Name To be assigned

Attorney Docket Number 700938-52220-DIV

### ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form  
☐ Fee Attached  
☐ Amendment/Reply  
☐ After Final  
☐ Affidavits/declaration(s)  
☐ Extension of Time Request  
☐ Express Abandonment Request  
☒ Information Disclosure Statement

- ☐ Certified Copy of Priority Document(s)  
☐ Reply to Missing Parts/  
Incomplete Application  
☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)  
☐ Licensing-related Papers  
☐ Petition  
☐ Petition to Convert to a  
Provisional Application  
☐ Power of Attorney, Revocation  
Change of Correspondence Address  
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- ☐ After Allowance Communication to TC  
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of Appeals and Interferences  
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(Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
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below):  
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Report; COPY-References B1-B2 and C1-C2; and  
Return Receipt Postcard

#### Remarks

The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to the Nixon Peabody LLP Deposit Account No. 50-0850.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Nixon Peabody LLP, 100 Summer Street, Boston, MA 02110  
Signature   
Printed name Ronald I. Eisenstein/Nicole L.M. Valtz  
Date Nov. 16, 2004 Reg. No. 30,628/47,150

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Linda M. Ginsberg

Date

11/17/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date: November 17 2004

  
Linda M. Ginsberg

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**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

Sir/Madam:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with the provisions of 37 C.F.R. §1.56, 1.97, and 1.98, Applicants wish to bring to the Examiner's attention the following references, References B1-B2 and C1-C2 cited in the attached Form PTO/SB/08a and b.

**REMARKS**

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- X   (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or
- (2) within three months of the mailing date of the PCT International Search Report; or

- \_\_\_\_\_ (3) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- \_\_\_\_\_ (4) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

  X   A copy of the European Search Report is enclosed herewith.

It is respectfully requested that each of the documents shown on the attached form(s) PTO/SB/08a be made of record in this application.

Copies of these documents (CHECK ONE):

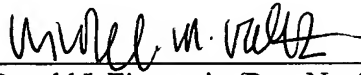
- X   are enclosed herewith that have not been previously submitted; or
- \_\_\_\_\_ have been cited in the parent application, and are thus not being resubmitted herein.

#### **FEE AUTHORIZATION**

The Commissioner is authorized to charge fee deficiencies or credit overpayments associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

Date: November 16, 2004

Respectfully submitted,

  
\_\_\_\_\_  
Ronald I. Eisenstein (Reg. No. 30,628)  
Nicole L.M. Valtz (Reg. No. 47,150)  
NIXON PEABODY LLP  
100 Summer Street  
Boston, MA 02110-2131  
(617) 345-6054

Substitute for form 1449A/PTO

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet

1

of

1

**Complete if Known**

Application Number

10/685.266

Filing Date

10/14/2003

First Named Inventor

Yoshiyuki Tatsumi

Art Unit

1651

**Examiner Name**

**To be assigned**

Attorney Docket Number

700938-52220-DIV

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional).<sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

### Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/685,266        |
| Filing Date            | 10/14/2003        |
| First Named Inventor   | Yoshiyuki Tatsumi |
| Art Unit               | 1651              |
| Examiner Name          | To be assigned    |
| Attorney Docket Number | 700938-52220-DIV  |

Sheet 1 of 1

### NON PATENT LITERATURE DOCUMENTS

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book,<br>magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city<br>and/or country where published. | T <sup>2</sup> |
|-----------------------|--------------------------|---|----------------|
|                       | C1                       | KITAZAKI, TOMOYUKI ET AL., Chem. Pharm. Bull, Vol. 44 ( No. 2), p. 314-327,<br>(February, 1996).  | X              |
|                       | C2                       | OGURA, HIRONOBU ET AL., Chem. Pharm. Bull, Vol. 47 ( No. 10), p. 1417-1425,<br>(October, 1999).   |                |
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Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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